

## Calendar No. 134

106TH CONGRESS  
1ST SESSION**S. 548****[Report No. 106-64]**

To establish the Fallen Timbers Battlefield and Fort Miamis National  
Historical Site in the State of Ohio.

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## IN THE SENATE OF THE UNITED STATES

MARCH 4, 1999

Mr. DEWINE (for himself and Mr. VOINOVICH) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

JUNE 7, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To establish the Fallen Timbers Battlefield and Fort Miamis  
National Historical Site in the State of Ohio.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fallen Timbers Battle-  
5       field and Fort Miamis National Historical Site Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the 185-acre Fallen Timbers Battlefield is  
4 the site of the 1794 battle between General Anthony  
5 Wayne and a confederation of Native American  
6 tribes led by Little Turtle and Blue Jacket;

7 (2) Fort Miamis was occupied by General  
8 Wayne's legion from 1796 to 1798;

9 (3) in the spring of 1813, British troops, led by  
10 General Henry Proctor, landed at Fort Miamis and  
11 attacked the fort twice, without success;

12 (4) Fort Miamis and the Fallen Timbers Bat-  
13 tlefield are in Lucas County, Ohio, in the city of  
14 Maumee;

15 (5) the 9-acre Fallen Timbers Battlefield Monu-  
16 ment is listed as a national historic landmark;

17 (6) Fort Miamis is listed in the National Reg-  
18 ister of Historic Places as a historic site;

19 (7) in 1959, the Fallen Timbers Battlefield was  
20 included in the National Survey of Historic Sites  
21 and Buildings as 1 of 22 sites representing the “Ad-  
22 vance of the Frontier, 1763–1830”; and

23 (8) in 1960, the Fallen Timbers Battlefield was  
24 designated as a national historic landmark.

25 (b) PURPOSES.—The purposes of this Act are—

1           (1) to recognize and preserve the 185-acre Fall-  
2       en Timbers Battlefield site;

3           (2) to formalize the linkage of the Fallen Tim-  
4       bers Battlefield and Monument to Fort Miamis;

5           (3) to preserve and interpret United States  
6       military history and Native American culture during  
7       the period from 1794 through 1813;

8           (4) to provide assistance to the State of Ohio,  
9       political subdivisions of the State, and nonprofit or-  
10      ganizations in the State to implement the steward-  
11      ship plan and develop programs that will preserve  
12      and interpret the historical, cultural, natural, rec-  
13      reational, and scenic resources of the historical site;  
14      and

15          (5) to authorize the Secretary to provide tech-  
16      nical assistance to the State of Ohio, political sub-  
17      divisions of the State, and nonprofit organizations in  
18      the State (including the Ohio Historical Society, the  
19      city of Maumee, the Maumee Valley Heritage Cor-  
20      ridor, the Fallen Timbers Battlefield Preservation  
21      Commission, Heidelberg College, the city of Toledo,  
22      and the Metropark District of the Toledo Area) to  
23      implement the stewardship plan.

24   **SEC. 3. DEFINITIONS.**

25       In this Act:

1           (1) HISTORICAL SITE.—The term “historical  
2       site” means the Fallen Timbers Battlefield and  
3       Monument and Fort Miamis National Historical Site  
4       established by section 4.

5           (2) MANAGEMENT ENTITY.—The term “man-  
6       agement entity” means the Ohio Historical Society,  
7       the city of Maumee, the Maumee Valley Heritage  
8       Corridor, the Fallen Timbers Battlefield Preserva-  
9       tion Commission, Heidelberg College, the city of To-  
10      ledo, the Metropark District of the Toledo Area, and  
11      any other entity designated by the Governor of Ohio.

12          (3) SECRETARY.—The term “Secretary” means  
13      the Secretary of the Interior.

14          (4) STEWARDSHIP PLAN.—The term “steward-  
15      ship plan” means the management plan developed by  
16      the management entity.

17          (5) TECHNICAL ASSISTANCE.—The term “tech-  
18      nical assistance” means any guidance, advice, or  
19      other aid, other than financial assistance, provided  
20      by the Secretary.

21   **SEC. 4. FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS**  
22                   **NATIONAL HISTORICAL SITE.**

23          (a) ESTABLISHMENT.—There is established in the  
24      State of Ohio the Fallen Timbers Battlefield and Fort Mi-  
25      amis National Historical Site.

1       (b) BOUNDARIES.—

2           (1) IN GENERAL.—The historical site shall be  
3       composed of—

4           (A) the Fallen Timbers 185-acre battlefield  
5       site described in paragraph (3);

6           (B) the 9-acre battlefield monument; and

7           (C) the Fort Miamis site.

8           (2) MAP.—The Secretary shall prepare a map  
9       of the historical site, which shall be on file and avail-  
10      able for public inspection in the office of the Direc-  
11      tor of the National Park Service.

12          (3) FALLEN TIMBERS SITE.—For purposes of  
13      paragraph (1), the Fallen Timbers site generally  
14      comprises a 185-acre parcel northeast of U.S. 24,  
15      west of U.S. 23/I-475, south of the Norfolk and  
16      Western Railroad line, and east of Jerome Road.

17          (4) CONSENT OF LOCAL PROPERTY OWNERS.—  
18      No privately owned property or property owned by  
19      a municipality shall be included within the bound-  
20      aries of the historical site unless the owner of the  
21      property consents to the inclusion.

22   **SEC. 5. WITHDRAWAL OF DESIGNATION.**

23          (a) IN GENERAL.—The historical site shall remain a  
24      national historical site unless—

25          (1) the Secretary determines that—

1           (A) the use, condition, or development of  
 2           the historical site is incompatible with the pur-  
 3           poses of this Act; or

4           (B) the management entity of the histor-  
 5           ical site has not made reasonable and appro-  
 6           priate progress in preparing or implementing  
 7           the stewardship plan for the historical site; and

8           (2) after making a determination under para-  
 9           graph (1), the Secretary submits to Congress notifi-  
 10          cation that the historical site designation should be  
 11          withdrawn.

12          (b) PUBLIC HEARING.—Before the Secretary makes  
 13          a determination under subsection (a)(1), the Secretary  
 14          shall hold a public hearing in the historical site.

15          (c) TIME OF WITHDRAWAL OF DESIGNATION.—

16           (1) DEFINITION OF LEGISLATIVE DAY.—In this  
 17           subsection, the term “legislative day” means any  
 18           calendar day on which both Houses of Congress are  
 19           in session.

20           (2) TIME PERIOD.—The withdrawal of the his-  
 21           torical site designation shall become final 90 legisla-  
 22           tive days after the Secretary submits to Congress  
 23           notification under subsection (a)(2).

1 **SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

2       (a) DUTIES AND AUTHORITIES OF THE SEC-  
3 RETARY.—

4           (1) TECHNICAL ASSISTANCE.—

5               (A) IN GENERAL.—The Secretary may  
6 provide technical assistance to prepare and im-  
7 plement the stewardship plan to—

8                   (i) the State of Ohio;

9                   (ii) a political subdivision of the State;

10                  (iii) a nonprofit organization in the  
11 State; or

12                  (iv) any other person on a request by  
13 the management entity.

14           (B) PROHIBITION OF CERTAIN REQUIRE-  
15 MENTS.—The Secretary may not, as a condition  
16 of the award of technical assistance under this  
17 section, require any recipient of the technical  
18 assistance to establish or modify land use re-  
19 strictions.

20           (C) DETERMINATIONS REGARDING ASSIST-  
21 ANCE.—

22               (i) DECISION BY SECRETARY.—The  
23 Secretary shall decide if technical assist-  
24 ance should be awarded and the amount, if  
25 any, of the assistance.

1                   (ii) STANDARD.—A decision under  
 2                   clause (i) shall be based on the degree to  
 3                   which the historical site effectively fulfills  
 4                   the objectives contained in the stewardship  
 5                   plan and achieves the purposes of this Act.

6                   ~~(2) DEVELOPMENT OF STEWARDSHIP PLAN.—~~

7                   The Secretary may assist in development of the  
 8                   stewardship plan.

9                   ~~(3) PROVISION OF INFORMATION.—~~In coopera-  
 10                  tion with the heads of other Federal agencies, the  
 11                  Secretary shall provide the public with information  
 12                  regarding the location and character of the historical  
 13                  site.

14                ~~(b) DUTIES OF OTHER FEDERAL AGENCIES.—~~The  
 15                  head of any Federal agency conducting an activity directly  
 16                  affecting the historical site shall—

17                   (1) consider the potential effect of the activity  
 18                   on the stewardship plan; and

19                   (2) consult with the management entity of the  
 20                   historical site with respect to the activity to mini-  
 21                   mize the adverse effects of the activity on the histor-  
 22                   ical site.



1 **SEC. 7. NO EFFECT ON LAND USE REGULATION AND PRI-**  
 2 **VATE PROPERTY.**

3 (a) **NO EFFECT ON AUTHORITY OF GOVERN-**  
 4 **MENTS.**—Nothing in this Act modifies, enlarges, or dimin-  
 5 ishes the authority of any Federal, State, or local govern-  
 6 ment to regulate the use of land by law (including regula-  
 7 tions).

8 (b) **NO ZONING OR LAND USE POWERS.**—Nothing  
 9 in this Act grants any power of zoning or land use control  
 10 to the management entity of the historical site.

11 (c) **NO EFFECT ON LOCAL AUTHORITY OR PRIVATE**  
 12 **PROPERTY.**—Nothing in this Act affects or authorizes the  
 13 management entity to interfere with—

14 (1) the rights of any person with respect to pri-  
 15 vate property; or

16 (2) any local zoning ordinance or land use plan  
 17 of the State of Ohio or a political subdivision of the  
 18 State.

19 **SEC. 8. FISHING, TRAPPING, AND HUNTING.**

20 (a) **NO DIMINISHMENT OF STATE AUTHORITY.**—The  
 21 establishment of the historical site shall not diminish the  
 22 authority of the State to manage fish and wildlife, includ-  
 23 ing the regulation of fishing, hunting, and trapping in the  
 24 historical site.

25 (b) **NO CONDITIONING OF APPROVAL AND ASSIST-**  
 26 **ANCE.**—The Secretary and the head of any other Federal

1 agency may not make a limitation on fishing, hunting, or  
 2 trapping—

3           (1) a condition of the determination of eligi-  
 4 bility for assistance under this Act; or

5           (2) a condition for the receipt, in connection  
 6 with the historical site, of any other form of assist-  
 7 ance from the Secretary or the agency, respectively.

8 **SECTION 1. SHORT TITLE.**

9           *This Act may be cited as the “Fallen Timbers Battle-*  
 10 *field and Fort Miamis National Historic Site Act of 1999”.*

11 **SEC. 2. DEFINITIONS.**

12           *As used in this Act:*

13           (a) *DEFINITIONS.—*

14                   (1) *The term “historic site” means the Fallen*  
 15 *Timbers Battlefield and Monument and Fort Miamis*  
 16 *National Historic Site established by section 4 of this*  
 17 *Act.*

18                   (2) *The term “management plan” means the*  
 19 *general management plan developed pursuant to sec-*  
 20 *tion 5(d).*

21                   (3) *The term “Secretary” means the Secretary of*  
 22 *the Interior.*

23                   (4) *The term “management entity” means one*  
 24 *representative from each of the following organiza-*  
 25 *tions:*

- 1 (A) *The Ohio Historical Society;*
- 2 (B) *The City of Maumee;*
- 3 (C) *The Maumee Valley Heritage Corridor;*
- 4 (D) *The Fallen Timbers Battlefield Preser-*
- 5 *vation Commission;*
- 6 (E) *Heidelberg College;*
- 7 (F) *The City of Toledo;*
- 8 (G) *The Metropark District of the Toledo*
- 9 *Area; and*
- 10 (H) *any other 2 organizations designated*
- 11 *by the Governor of Ohio.*

12 (5) *The term “technical assistance” means any*  
 13 *guidance, advice, or other aid, other than financial*  
 14 *assistance, provided by the Secretary.*

15 **SEC. 3. FINDINGS AND PURPOSES.**

16 (a) *FINDINGS.—Congress finds the following:*

17 (1) *The 185-acre Fallen Timbers Battlefield is*  
 18 *the site of the 1794 battle between General Anthony*  
 19 *Wayne and a confederation of Native American tribes*  
 20 *led by Little Turtle and Blue Jacket.*

21 (2) *Fort Miamis was occupied by General*  
 22 *Wayne’s legion from 1796 to 1798.*

23 (3) *In the spring of 1813, British troops, led by*  
 24 *General Henry Proctor, landed at Fort Miamis and*  
 25 *attacked the fort twice, without success.*

1           (4) *Fort Miamis and Fallen Timbers Battlefield*  
 2           *are in Lucas County, Ohio, in the city of Maumee.*

3           (5) *The 9-acre Fallen Timbers Battlefield Monu-*  
 4           *ment is listed as a National Historic Landmark.*

5           (6) *Fort Miamis is listed in the National Reg-*  
 6           *ister of Historic Places as a historic site.*

7           (7) *In 1959, the Fallen Timbers Battlefield was*  
 8           *included in the National Survey of Historic Sites and*  
 9           *Buildings as 1 of 22 sites representing the “Advance*  
 10          *of the Frontier, 1763–1830”.*

11          (8) *In 1960, the Fallen Timbers Battlefield was*  
 12          *designated as a National Historic Landmark.*

13          (b) *PURPOSES.—The purposes of this Act are—*

14               (1) *to recognize and preserve the 185-acre Fallen*  
 15               *Timbers Battlefield site;*

16               (2) *to recognize and preserve the Fort Miamis*  
 17               *site;*

18               (3) *to formalize the linkage of the Fallen Timbers*  
 19               *Battlefield and Monument to Fort Miamis;*

20               (4) *to preserve and interpret United States mili-*  
 21               *tary history and Native American culture during the*  
 22               *period from 1794 through 1813;*

23               (5) *to provide assistance to the State of Ohio, po-*  
 24               *litical subdivisions of the State, and nonprofit organi-*  
 25               *zations in the State to implement the management*

1     *plan and develop programs that will preserve and in-*  
 2     *terpret the historical, cultural, natural, recreational*  
 3     *and scenic resources of the historic site; and*

4             *(6) to authorize the Secretary to provide tech-*  
 5     *nical assistance to the State of Ohio, political sub-*  
 6     *divisions of the State, and nonprofit organizations in*  
 7     *the State, including the Ohio Historical Society, the*  
 8     *city of Maumee, the Maumee Valley Heritage Cor-*  
 9     *ridor, the Fallen Timbers Battlefield Commission,*  
 10    *Heidelberg College, the city of Toledo, and the*  
 11    *Metropark District of the Toledo Area, to implement*  
 12    *the management plan.*

13   **SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLE-**  
 14               **FIELD AND FORT MIAMIS NATIONAL HIS-**  
 15               **TORIC SITE.**

16       *(a) IN GENERAL.—There is established, as an affili-*  
 17    *ated area of the National Park System, the Fallen Timbers*  
 18    *Battlefield and Fort Miamis National Historic Site in the*  
 19    *State of Ohio.*

20       *(b) DESCRIPTION.—The historic site is comprised of*  
 21    *the following as generally depicted on the map entitled Fall-*  
 22    *en Timbers Battlefield and Fort Miamis National Histor-*  
 23    *ical Site-proposed, number NHS–FTFM, and dated May*  
 24    *1999:*

1           (1) *The Fallen Timbers site, comprised generally*  
 2       *of the following:*

3               (A) *The Fallen Timbers Battlefield site,*  
 4               *consisting of an approximately 185-acre parcel*  
 5               *located north of U.S. 24, west of U.S. 23/I-475,*  
 6               *south of the Norfolk and Western Railroad line,*  
 7               *and east of Jerome Road.*

8               (B) *The approximately 9-acre Fallen Tim-*  
 9               *bers Battlefield Monument, located south of U.S.*  
 10              *24; and*

11              (2) *The Fort Miamis Park site.*

12              (c) *MAP.—The map shall be on file and avail-*  
 13              *able for public inspection in the appropriate offices of*  
 14              *the National Park Service.*

15   **SEC. 5. ADMINISTRATION OF HISTORIC SITES.**

16              (a) *APPLICABILITY OF NATIONAL PARK SYSTEM*  
 17              *LAWS.—The historic site shall be administered in a manner*  
 18              *consistent with this Act and all laws generally applicable*  
 19              *to units of the National Park System, including the Act*  
 20              *of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known*  
 21              *as the National Park Service Organic Act), and the Act*  
 22              *of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known*  
 23              *as the Historic Sites, Buildings, and Antiquities Act).*

24              (b) *COOPERATIVE AGREEMENT.—The Secretary may*  
 25              *enter into a cooperative agreement with the management*

1 *entity to provide technical assistance to ensure the marking,*  
2 *research, interpretation, education and preservation of the*  
3 *Fallen Timbers Battlefield and Fort Miamis National His-*  
4 *toric Site.*

5       (c) *REIMBURSEMENT.*—*Any payment made by the*  
6 *Secretary pursuant to this section shall be subject to an*  
7 *agreement that conversion, use or disposal of the project so*  
8 *assisted for purposes contrary to the purposes of this section*  
9 *as determined by the Secretary, shall result in a right of*  
10 *the United States to reimbursement of all funds made avail-*  
11 *able to such project or the proportion of the increased value*  
12 *of the project attributable to such funds as determined at*  
13 *the time of such conversion, use of disposal, whichever is*  
14 *greater.*

15       (d) *GENERAL MANAGEMENT PLAN.*—

16           (1) *IN GENERAL.*—*The Secretary, in consultation*  
17 *with the management entity and Native American*  
18 *tribes whose ancestors were involved in events at these*  
19 *sites, shall develop a general management plan for the*  
20 *historic site. The plan shall be prepared in accordance*  
21 *with section 12(b) of Public Law 91–383 (16 U.S.C.*  
22 *1a–1 et seq.; commonly known as the National Park*  
23 *System General Authorities Act).*

1           (2) *COMPLETION.*—*The plan shall be completed*  
2           *not later than 2 years after the date funds are made*  
3           *available.*

4           (3) *TRANSMITTAL.*—*Not later than 30 days after*  
5           *completion of the plan, the Secretary shall provide a*  
6           *copy of the plan to the Committee on Energy and*  
7           *Natural Resources of the Senate and the Committee*  
8           *on Resources of the House of Representatives.*

9   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS**

10          *There is authorized to be appropriated such funds as*  
11          *are necessary to carry out this Act.*





Calendar No. 134

106TH CONGRESS  
1ST Session

**S. 548**

[Report No. 106-64]

**A BILL**

To establish the Fallen Timbers Battlefield and  
Fort Miamis National Historical Site in the  
State of Ohio.

JUNE 7, 1999

Reported with an amendment